

DETAILED ACTION

1. Claims 14-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. A translation of the grating structure does not "alter" the grating structure itself even if it changes its effect on light passing through the grating structure.
2. Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14 on line 8 it is confusing to use "is comprised" since it is in the past tense. Respectfully suggest using "comprises" instead. In claim 20 on line 10 "is comprised" should be "comprises". In claim 26 the meaning of "straight angle" is unclear, does it mean it is in the same plane? The claims are otherwise definite.
3. The claims patentably define over the prior art of record but are rejected under 35 USC 112 first paragraph and second paragraphs above.
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hackel et al. in U.S. Patent No. 6,037,565 discloses rotating a grating (element 20). Amako et al. in Japan Patent No. 2000-280,085 discloses diffraction optical elements that are selectively used. Morozumi in U.S. Patent No. 5,051,807 has scribe lines (23,24) that are perpendicular to each other and have

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differing widths (see column 5, lines 19-29). Sasagawa et al. in U.S. Patent No. 6,008,914 has a laser apparatus with optics of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S. Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 7:00AM to 3:30 PM (flexible).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey S Evans/

Primary Examiner, Art Unit 3742